

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

MILTON EVANS, JR.

PETITIONER

VERSUS

CIVIL ACTION NO. 5:05cv172DCB-RHW

WARDEN BYRD

RESPONDENT

**ORDER**

BEFORE THE COURT is petitioner's petition for habeas corpus relief [8-1] filed pursuant to 28 U.S.C. § 2254 on August 28, 2006, in the above referenced civil action. Upon review of the record, this court finds that the instant civil action was dismissed on June 15, 2006, by a final judgment. Therefore, this court has determined that the petition [8-1] filed on August 28, 2006, should be filed as a separate civil action and assigned a new civil action number. This court will address the instant petition [8-1] in the newly filed and assigned civil action. Accordingly, it is

ORDERED AND ADJUDGED:

1. That the petition [8-1] filed August 28, 2006, will not be addressed in the instant civil action but shall be filed as a new civil action. Therefore, the petition [8-1] is denied in this civil action and it will be addressed in the new civil action.

2. That the Clerk assign the petition [8-1] filed August 28, 2006, a new civil action number and place a copy of the petition [8-1] in the new civil action along with a copy of this order.

This the 31<sup>st</sup> day of August, 2006.

S/DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE